

# EXHIBIT A

**EXHIBIT A**

As stated in Defendants The TJX Companies, Inc. and Marmaxx Operating Corp.'s Notice of Removal, Defendants attach the following documents:

1. Harris County District Clerk's Docket Sheet;
2. Plaintiff's Original Petition and Jury Demand, filed February 2, 2022;
3. Request for Issuance of Service to The TJX Companies, Inc., filed February 2, 2022;
4. Request for Issuance of Service to Marmaxx Operating Corp., filed February 2, 2022;
5. Officer's Return of service of citation on Marmaxx Operating Corp. by serving its registered agent, CT Corporation System, filed February 14, 2022; and
6. Original Answer of Defendants The TJX Companies, Inc. and Marmaxx Operating Corp., filed March 7, 2022.

**2022-06766**

**COURT:** 164th

**FILED DATE:** 2/2/2022

**CASE TYPE:** Premises



**CORONADO, GLENDA**

Attorney: KLITSAS, LOREN GEORGE

**VS.**

**THE TJX COMPANIES INC**

Attorney: HAAS, JANE

**Docket Sheet Entries**

Docket Sheet Entries	
Date	Comment

CAUSE NO. \_\_\_\_\_

GLEND A CORONADO	§	IN THE DISTRICT COURT OF
	§	
VS.	§	
	§	HARRIS COUNTY, TEXAS
THE TJX COMPANIES, INC. AND	§	
MARMAXX OPERATING CORP.	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND JURY DEMAND**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Glenda Coronado, hereinafter referred to as "Plaintiff," complaining of The TJX Companies, Inc. and Marmaxx Operating Corp., hereinafter referred to as "Defendant" or "Defendants" and for cause of action would respectfully show unto the Court the following:

**I. LEVEL**

Discovery is intended to be conducted under Level 2 of the Texas Rules of Civil Procedure 190. Plaintiff affirmatively pleads that she seeks monetary relief in excess of \$250,000, but not more than \$1,000,000.00 excluding costs, pre-judgment interest, and attorney's fees. Plaintiff reserves the right to amend this damage calculation as discovery progresses. Plaintiff makes this damage calculation at this time pursuant to Texas Rule of Civil Procedure 47.

**II. PARTIES**

Plaintiff is a resident of Harris County, Texas.

Defendant, The TJX Companies, Inc., is a Delaware corporation which does not maintain a registered agent in Texas. Pursuant to Section 5.251(1)(A) of the Texas Business Code, this Defendant may be served with process through the Secretary of State of the State of Texas by delivering to the Secretary of State duplicate copies of the process and paying the required fee. The TJX Companies, Inc.'s corporate address is: 770 Cochituate Road, Framingham, Massachusetts 01701. Service on this Defendant is hereby requested at this time.

Defendant, Marmaxx Operating Corp. is a foreign for-profit corporation doing business in the State of Texas and may be served with process through its registered agent for service, CT Corporation System, 1999 Bryan St., Suite 900, Dallas, Texas 75201-3136 or wherever it may be located.

### **III. JURISDICTION AND VENUE**

This Court has jurisdiction in this cause since the damages to Plaintiff are within the jurisdictional limits of this Court. All or a substantial part of the event or omissions giving rise to the claim occurred in Harris County. Therefore, venue is proper pursuant to §15.001 and §15.002(a)(1) of the Texas Civil Practice & Remedies Code. Additionally, the facts show that the convenience of the parties and the witnesses and the interest of justice would be best served in Harris County.

### **IV. ASSUMED NAMES, MISNOMER, AND ALTER EGO**

Pursuant to Rule 28 of the Texas Rules of Civil Procedure, Plaintiff is suing any partnership, unincorporated association, private corporation, or individual whose name contains the words or who does business under or as The TJX Companies, Inc., Marmaxx Operating Corp and/or Marshalls. It is the intent of the Plaintiff to file this lawsuit against the owners, occupiers, property managers and/or controllers of the premises known as Marshalls.

Further, in the event that any parties are misnamed or not included herein, it is Plaintiff's contention that such was a misnomer and/or such parties are/were alter egos of parties named herein.

### **V. FACTS AND NEGLIGENCE**

This suit is brought under and by virtue of the laws of the State of Texas to recover those damages which Plaintiff is justly entitled to receive as compensation for injuries she sustained in

an incident that occurred on or about May 23, 2020, at the Marshalls located at 5922 East Sam Houston Parkway N., Houston, Texas 77049. As Plaintiff was shopping at the Marshalls store, an employee was assisting another customer with the purchase of barstools/chairs. Two of the chairs fell, hitting Plaintiff in the head and knocking her onto the floor. As a result, Plaintiff sustained severe personal injuries.

At all relevant times, Defendants had actual and/or constructive knowledge of an unreasonably dangerous condition on its property yet did nothing to remedy or otherwise warn Plaintiff of the dangerous condition. The dangerous condition and Defendants' negligence caused Plaintiff's injuries and damages.

The occurrence made the basis of this suit and the resulting injuries and damages were proximately caused by the negligence of the Defendants, for a variety of acts and omissions, including, but not limited to, one or more of the following:

- a. In failing to properly maintain said property in a reasonable manner;
- b. In failing to properly maintain said property in a safe manner;
- c. In failing to exercise caution;
- d. In failing to provide warning;
- e. In maintaining said property in a reckless and careless manner;
- f. In failing to properly train its employees on how to eliminate and warn against unreasonable dangerous conditions on Defendants' premises;
- g. In failing to properly supervise its employees in their maintenance of common areas on Defendants' premises;
- h. In creating or causing the dangerous condition;
- i. In failing to inspect the area in a proper and timely manner; and

j. Negligence in general.

Each and all of the above acts and/or omissions constituted negligence and each and all were the proximate cause of the following made the basis of this suit and the injuries and damages suffered by the Plaintiff herein.

**Alternative Cause of Action  
Premises Liability**

Defendants own and/or control the premises at 5922 East Sam Houston Parkway N., Houston, Texas 77049. Defendants had a duty to use ordinary care to ensure that the premises did not create an unreasonably dangerous condition as it relates to Plaintiff. This duty includes the duty to inspect and properly maintain the premises. Defendants' failure to maintain the premises created a dangerous condition which is the proximate cause of Plaintiff's damages, for which she now sues.

**VI. RESPONDEAT SUPERIOR**

Plaintiff states that at the time of the occurrence made the basis of this suit, the individuals responsible for the upkeep of Defendants' premises were acting in their capacity as agents, servants, vice-principals, representatives and/or employees of Defendants and were acting within the course and scope of their authority as such. Therefore, the doctrine of *Respondeat Superior* should be applied to Defendants and Defendants should be vicariously responsible for the acts and omissions of its agents, employees, servants, and/or vice-principals.

**VII. DAMAGES**

As a result of the occurrence in question, Plaintiff, Glenda Coronado, has sustained serious personal injuries, mental anguish, physical pain and suffering, medical expenses in the past, lost wages in the past, and impairment and disability in the past. Plaintiff will respectfully request the Court and Jury to determine the amount of loss she has incurred and will incur in the future not

only from a financial standpoint, but also in terms of good health and freedom from pain and worry. There are certain elements of damages provided by law that Plaintiff is entitled to have the Jury in this case consider separately to determine the sum of money for each element that will fairly and reasonably compensate Plaintiff for her injuries, damages and losses incurred from the date of the accident in question until the time of trial of this case, those elements of damages are as follows:

- a. The physical pain that Plaintiff has suffered from the date of the occurrence in question up to the time of trial;
- b. The mental anguish that Plaintiff has suffered from the date of the occurrence in question up to the time of trial;
- c. The amount of reasonable medical expenses necessarily incurred in the treatment of Plaintiffs' injuries from the date of the accident in question up to the time of trial;
- d. The loss and/or reduction of earnings and/or earning capacity sustained by Plaintiff from the date of the occurrence in question up to the time of trial;
- e. The disfigurement which Plaintiff has suffered from the date of the occurrence in question up to the time of trial; and
- f. The physical impairment, which Plaintiff has suffered from the date of the occurrence in question up to the time of trial.

Further, the following are elements of damages to be considered separately which Plaintiff will sustain in the future beyond the trial that are determined by a preponderance of the evidence upon trial of this cause.

- a. The physical pain that Plaintiff will suffer in the future beyond the time of trial;
- b. The mental anguish that Plaintiff will suffer in the future beyond the time of trial;
- c. The reasonable value of medical expenses that will necessarily be incurred in the treatment of Plaintiff's injuries in the future beyond the time of trial;
- d. The loss and/or reduction in Plaintiff's earnings or earning capacity in the future caused by the injuries sustained in the occurrence in question;



- e. The disfigurement that Plaintiff will suffer in the future beyond the time of trial; and
- f. The physical impairment which Plaintiff will suffer in the future beyond the time of trial.

Plaintiff, Glenda Coronado, seeks monetary relief over \$250,000 but not more than \$1,000,000 and a demand for judgment for all the other relief to which the party deems herself entitled.

### **VIII. REQUIRED DISCLOSURES**

Pursuant to Texas Rule of Civil Procedure 194(a), Defendants must disclosure, within thirty (30) days of filing an answer, the information or materials described in Rule 194.2(b)1-12. Any Defendant that is served or otherwise joined after the filing of the first answer must make their initial disclosures within thirty (30) days after being served or joined.

### **VIII. DEMAND FOR JURY**

Plaintiff requests a trial by jury and tenders the appropriate fee herewith.

### **IX. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Defendants be cited in terms of law to appear and answer herein; that upon final trial hereof, Plaintiff will have judgment against the Defendant sfor all actual damages, legally recoverable pre-judgment and post-judgment interest, all costs of court, and any other further relief to which Plaintiff may show herself justly entitled.

Respectfully submitted,

**KLITSAS & VERCHER, P.C.**

By: /s/ *Loren G. Klitsas*

**Loren G. Klitsas**

**State Bar No.: 00786025**

550 Westcott Street, Suite 570

Houston, Texas 77007

Telephone: (713) 862-1365

Facsimile: (713) 862-1465

Email: klitsas@kv-law.com

**ATTORNEYS FOR PLAINTIFF**



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this March 8, 2022

Certified Document Number: 100181075 Total Pages: 7

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



# Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5900 | www.hcdistrictclerk.com

2/2/2022 2:48:55 PM  
Marilyn Burgess - District Clerk  
Harris County  
Envelope No: 61398664  
By: MOMON, RHONDA M  
Filed: 2/2/2022 2:48:55 PM

## Request for Issuance of Service

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original Petition and Jury Demand

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: The TJX Companies, Inc.

Address of Service: 770 Cochituate Road

City, State & Zip: Framingham, MA 01701

Agent (if applicable) Secretary of State of the State of Texas

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- |   |   |  |   |
|---|---|--|---|
| <input checked="" type="checkbox"/> Citation                              | <input type="checkbox"/> Citation by Posting          | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                            | Newspaper _____                                       |  |   |
| <input type="checkbox"/> Temporary Restraining Order                      | <input type="checkbox"/> Precept                      | <input type="checkbox"/> Notice                  |   |
| <input type="checkbox"/> Protective Order                                 |   |  |   |
| <input checked="" type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not an E-Issuance)   | <input type="checkbox"/> Attachment              |   |
| <input type="checkbox"/> Certiorari                                       | <input type="checkbox"/> Highway Commission (\$12.00) |  |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)              | <input type="checkbox"/> Hague Convention (\$16.00)   | <input type="checkbox"/> Garnishment             |   |
| <input type="checkbox"/> Habeas Corpus                                    | <input type="checkbox"/> Injunction                   | <input type="checkbox"/> Sequestration           |   |
| <input type="checkbox"/> Subpoena   |   |  |   |
| <input type="checkbox"/> Other (Please Describe) _____                    |   |  |   |

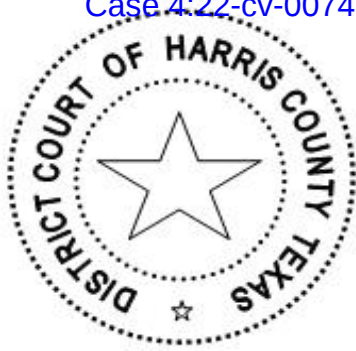
(See additional Forms for Post Judgment Service)

- SERVICE BY (check one):**
- |  |  |
|--|--|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____  | <input checked="" type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged)   |
| <input type="checkbox"/> MAIL to attorney at: _____  | <i>Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.<br/>Visit <a href="http://www.hcdistrictclerk.com">www.hcdistrictclerk.com</a> for more instructions.</i> |
| <input type="checkbox"/> CONSTABLE   |  |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk  |  |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |  |
| <input type="checkbox"/> OTHER, explain _____  |  |

Issuance of Service Requested By: Attorney/Party Name: Loren Klitsas Bar # or ID 00786025

Mailing Address: 550 Westcott, Suite 570, Houston, Texas 77007

Phone Number: 713-852-1365



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this March 8, 2022

Certified Document Number: 100181076 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



# Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5900 | www.hcdistrictclerk.com

2/2/2022 2:48:55 PM  
Marilyn Burgess - District Clerk  
Harris County  
Envelope No: 61398664  
By: MOMON, RHONDA M  
Filed: 2/2/2022 2:48:55 PM

## Request for Issuance of Service

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: \_\_\_\_\_

Name(s) of Documents to be served: Plaintiff's Original Petition and Jury Demand

FILE DATE: \_\_\_\_\_ Month/Day/Year

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Marmaxx Operating Corp.

Address of Service: 1999 Bryan St., Suite 900

City, State & Zip: Dallas, Texas 75201-3136

Agent (if applicable) CT Corporation System

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- |  |   |  |   |
|--|---|--|---|
| <input checked="" type="checkbox"/> Citation                   | <input type="checkbox"/> Citation by Posting          | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias                 | Newspaper _____                                       |  |   |
| <input type="checkbox"/> Temporary Restraining Order           | <input type="checkbox"/> Precept                      | <input type="checkbox"/> Notice                  |   |
| <input type="checkbox"/> Protective Order                      |   |  |   |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not an E-Issuance)   | <input type="checkbox"/> Attachment              |   |
| <input type="checkbox"/> Certiorari                            | <input type="checkbox"/> Highway Commission (\$12.00) |  |   |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00)   | <input type="checkbox"/> Hague Convention (\$16.00)   | <input type="checkbox"/> Garnishment             |   |
| <input type="checkbox"/> Habeas Corpus                         | <input type="checkbox"/> Injunction                   | <input type="checkbox"/> Sequestration           |   |
| <input type="checkbox"/> Subpoena                              |   |  |   |
| <input type="checkbox"/> Other (Please Describe) _____         |   |  |   |

(See additional Forms for Post Judgment Service)

- SERVICE BY (check one):**
- |  |   |
|--|---|
| <input type="checkbox"/> ATTORNEY PICK-UP (phone) _____  | <input checked="" type="checkbox"/> E-Issuance by District Clerk<br>(No Service Copy Fees Charged)  |
| <input type="checkbox"/> MAIL to attorney at: _____  | Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.<br>Visit www.hcdistrictclerk.com for more instructions. |
| <input type="checkbox"/> CONSTABLE   |   |
| <input type="checkbox"/> CERTIFIED MAIL by District Clerk  |   |
| <input type="checkbox"/> CIVIL PROCESS SERVER - Authorized Person to Pick-up: _____ Phone: _____ |   |
| <input type="checkbox"/> OTHER, explain _____  |   |

Issuance of Service Requested By: Attorney/Party Name: Loren Klitsas Bar # or ID 00786025

Mailing Address: 550 Westcott, Suite 570, Houston, Texas 77007

Phone Number: 713-852-1365



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this March 8, 2022

Certified Document Number: 100181077 Total Pages: 1

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

CAUSE NO. 202206766

COPY OF PLEADING PROVIDED BY PLT

RECEIPT NO: 922101 TRACKING NO: 73969620

Plaintiff:  
CORONADO, GLENDA  
vs.  
Defendant:  
THE TJX COMPANIES INC

In The 164th  
Judicial District Court of  
Harris County, Texas  
201 CAROLINE  
Houston, Texas

## CITATION CORPORATE

THE STATE OF TEXAS  
County of Harris

**To: MARMAXX OPERATING CORP (IS A FOREIGN FOR-PROFIT CORPORATION) MAY BE SERVED  
THROUGH ITS REGISTERED AGENT CT CORPORATION SYSTEM  
1999 BRYAN ST SUITE 900, DALLAS TX 75201-3136  
OR WHEREVER IT MAY BE LOCATED**

Attached is a copy of: PLAINTIFFS ORIGINAL PETITION AND JURY DEMAND

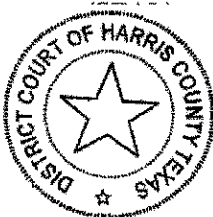
This instrument was filed on February 2, 2022 in the above cited cause number and court. The instrument attached describes the claim against you.

**YOU HAVE BEEN SUED.** You may employ an attorney. If you or your Attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration date of 20 days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

This citation was issued on February 8, 2022, under my hand and seal of said court.

Issued at the request of:

KLITSAS, LOREN GEORGE  
550 WESTCOTT, STE 570  
HOUSTON, TX 77007  
713-862-1365  
Bar Number: 00786025



*Marilyn Burgess*

Marilyn Burgess, District Clerk

Harris County, Texas  
201 CAROLINE Houston Texas 77002  
(PO Box 4651, Houston, Texas 77210)

Generated By: RHONDA MOMON



Tracking Number: 73969620

CAUSE NUMBER: 202206766

PLAINTIFF: CORONADO, GLENDA

vs.

DEFENDANT: THE TJX COMPANIES INC

In the 164th

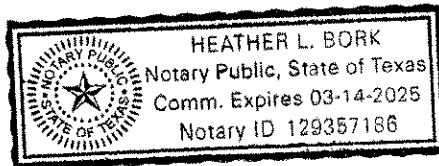
Judicial District Court of

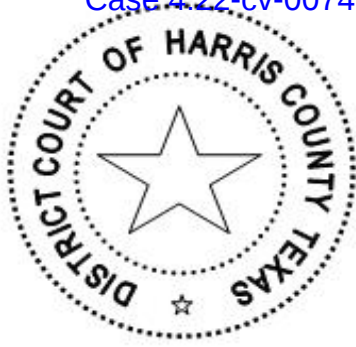
Harris County, Texas

## OFFICER - AUTHORIZED PERSON RETURN

Came to hand at 6 o'clock P. M. on the 8<sup>th</sup> day of February, 2022. Executed at(Address) 1944 Bryan St. Ste 900 Dallas, TX 75201  
inDallas County at o'clock 9:34 A. M. On the 9 day of February, 2022, byDelivering to CT Corporation System through Latay Stems CT Corporation System through Latay Stems defendant, in person, a true copy of this Citation together with the accompanying 1 copy (ies) of the «Attachment». Petition attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_, 20.

Fees \$ 75[Signature]  
AffiantBy \_\_\_\_\_  
DeputyOn this day, John Buford JR, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.SWORN TO AND SUBSCRIBED BEFORE ME, On this 10<sup>th</sup> day of February, 2022[Signature]  
Notary Public



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this March 8, 2022

Certified Document Number: 100363458 Total Pages: 2

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**

**CAUSE NO. 2022-06766**

<b>GLEENDA CORONADO</b>	§	<b>IN THE DISTRICT COURT OF</b>
	§	
<b>VS.</b>	§	<b>HARRIS COUNTY, TEXAS</b>
	§	
<b>THE TJX COMPANIES, INC. AND</b>	§	
<b>MARMAXX OPERATING CORP.</b>	§	<b>164<sup>th</sup> JUDICIAL DISTRICT</b>

**ORIGINAL ANSWER OF DEFENDANTS**  
**THE TJX COMPANIES, INC. AND MARMAXX OPERATING CORP.**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW, Defendants THE TJX COMPANIES, INC. and MARMAXX OPERATING CORP. (collectively "Defendants"), in the above-entitled and numbered cause, and file this Original Answer to Plaintiff's Original Petition and all subsequent supplemental and/or amended petitions and would respectfully show unto the Court and Jury as follows:

**I.**  
**GENERAL DENIAL**

1.1 Proper service of process on Defendant MARMAXX OPERATING CORP. was not obtained by Plaintiff.

1.2 Subject to such stipulations and/or admissions as may hereafter be made, Defendants assert a general denial as is authorized by Rule 92 of the Texas Rules of Civil Procedure, and Defendants respectfully request that Plaintiff be required to prove the charges and allegations against Defendants as is required by the Constitution and laws of the State of Texas.

1.3 Defendants further reserve the right to amend this answer at a future date in accordance with the Texas Rules of Civil Procedure.

**II.**  
**AFFIRMATIVE DEFENSES**

By way of further defense, if such be necessary, Defendants assert the following:

2.1 Defendants invoke the comparative and proportionate responsibility provisions of the Texas Civil Practice & Remedies Code, § 33.001, *et. seq.*

2.2 Defendants would show that, at the time and on the occasion in question, Plaintiff and/or others beyond Defendants' control failed to use that degree of care and caution that would have been used by a person with ordinary prudence under the same or similar circumstances, and that such failure was alternatively a proximate cause or a producing cause or the sole proximate or the sole producing cause of the incident in question and any alleged injuries and damages stemming therefrom.

2.3 Defendants would show, in the unlikely event that any liability be found on the part of Defendants, such liability should be reduced by the percentage of the causation found to have resulted from the acts or omissions of any persons or third parties over whom Defendants have no control and for whom Defendants are not responsible, including, but not limited to, Plaintiff.

2.4 Defendants would show that Plaintiff's alleged injuries and damages were the result, in whole or in part, of a new and independent cause and/or intervening and superseding cause, which was not reasonably foreseeable by Defendants.

2.5 Plaintiff's recovery of medical expenses, if any, is limited and subject to the restrictions set forth by Section 41.0105 of the Texas Civil Practice and Remedies Code.

2.6 Plaintiff is not entitled to a recovery of damages for any medical condition and/or injury that resulted from a pre-existing and/or subsequent condition, or any other condition not proximately caused by the occurrence in question.

2.7 Plaintiff also is not entitled to a recovery of damages, if any, that she failed to mitigate.

2.8 Defendants would respectfully pray for all available credits and/or offsets as provided by the Texas Civil Practice and Remedies Code and under Texas law, including a reduction for amounts received from collateral sources or for any settlement Plaintiff may have entered with any other party.

2.9 Defendants would show that, pursuant to Section 18.091 of the Texas Civil Practice and Remedies Code, to the extent Plaintiff is seeking recovery for loss of earnings, lost wages, loss of earning capacity, and/or loss of contributions of a pecuniary value, Plaintiff must present evidence of the alleged loss in the form of a net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law.

2.10 Defendant invokes all rights and limitations found in Chapter 41 of the Texas Civil Practice and Remedies Code, including the limitations on damage awards.

2.11 In the unlikely event that an adverse judgment would be rendered against it, Defendants would respectfully pray for all available credits and/or offsets as provided by the Texas Civil Practice and Remedies Code and under Texas law, including a reduction for amounts received from collateral sources or for any settlement Plaintiff may have entered with any other party.

### **III.** **JURY DEMAND**

3.1 Defendants respectfully demand a jury for the trial of this matter, and hereby tender the jury fee.

### **VI.** **DIRECTED COMMUNICATION**

4.1 Forward all communications regarding this matter to Marshall G. Rosenberg at [mrosenberg@hartlinebarger.com](mailto:mrosenberg@hartlinebarger.com); Jane Haas at [jhaas@hartlinebarger.com](mailto:jhaas@hartlinebarger.com); Ilene Maley at [imaley@hartlinebarger.com](mailto:imaley@hartlinebarger.com); and Catrina Edling at [cedling@hartlinebarger.com](mailto:cedling@hartlinebarger.com). Failure to include all requested individuals referenced above in all communications, notices, and filings, shall be deemed inadequate service.

WHEREFORE, PREMISES CONSIDERED, Defendants THE TJX COMPANIES, INC. and MARMAXX OPERATING CORP. pray that Plaintiff take nothing by reason of this suit, that

Defendants be discharged, and that they go hence with their costs, and for all such other and further relief, both general and special, at law and in equity, to which Defendants may show themselves to be justly entitled.

Respectfully submitted,

HARTLINE BARGER LLP

*/s/ Jane Haas*

---

Marshall G. Rosenberg  
State Bar No. 12771450  
[mrosenberg@hartlinebarger.com](mailto:mrosenberg@hartlinebarger.com)

Jane Haas  
State Bar No. 24032655  
[jhaas@hartlinebarger.com](mailto:jhaas@hartlinebarger.com)  
1980 Post Oak Blvd., Suite 1800  
Houston, Texas 77056  
Telephone: 713-759-1990  
Facsimile: 713-652-2419

**ATTORNEYS FOR DEFENDANTS  
THE TJX COMPANIES, INC. and  
MARMAXX OPERATING CORP.**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing instrument was served upon all parties on March 7, 2022.

*/s/ Jane Haas*

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Jane Haas

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Catrina Edling on behalf of Jane Haas  
 Bar No. 24032655  
 CEEdling@hartlinebarger.com  
 Envelope ID: 62345616  
 Status as of 3/7/2022 11:58 AM CST

**Case Contacts**

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
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I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this March 8, 2022

Certified Document Number: 100739030 Total Pages: 5

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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